

SENATE BILL 1095

By Bowling

AN ACT to amend Tennessee Code Annotated, Title 4;  
Title 5; Title 6; Title 7; Title 10; Title 65; Title 67  
and Title 68, relative to communications service.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 7-59-305(d)(2), is amended by adding the following language to the end of the subdivision:

This subdivision (d)(2) does not apply to an applicant that establishes it has provided fiber-to-the-premises (FTTP) to at least one thousand (1,000) customers for a period of at least one (1) year prior to the application for a state-issued franchise.

SECTION 2. Tennessee Code Annotated, Section 7-59-305, is amended by adding the following new subsection:

(m) Notwithstanding another law to the contrary:

(1) The department shall deem an applicant to have satisfied all of the requirements necessary for approval of a state-issued certificate of franchise authority if the applicant has provided FTTP to at least one thousand (1,000) customers for a period of at least one (1) year prior to the date of application;

(2) An applicant satisfying the requirements of this subsection (m) and obtaining a state-issued certificate of franchise authority is authorized to provide service outside the applicant's existing service area;

(3) This subsection (m) applies to all providers, including private providers of broadband internet service, electric cooperatives operating pursuant to the Rural Electric and Community Services Cooperative Act, compiled in title

65, chapter 25, and municipal electric systems operating pursuant to chapter 52 of this title or another applicable law;

(4) A provider who receives a state-issued certificate of franchise authority pursuant to this subsection (m) shall not overbuild existing infrastructure designed to deliver FTTP; and

(5) There are no regulatory restrictions regarding collaboration, cooperation, or partnering between providers of FTTP that receive a state-issued certificate of franchise authority pursuant to this subsection (m).

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.